



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

March 12, 2012

Mr. William F. Adams
State Design Engineer
ATTN: Ms Alfredo Acoff
Alabama Department of Transportation
1409 Coliseum Boulevard
Montgomery, Alabama 36130

**SUBJECT: EPA Review of Helena Bypass
Final Environmental Impact Statement (FEIS)
From CR-52 in Helena to SR-261 near Bearden Road
Shelby County, Alabama.
CEQ No: 20120030 and ERP No: FHW-E40836-AL.**

Dear Sir:

Pursuant to Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act (NEPA), EPA Region 4 has evaluated the consequences of constructing, a new 3.8 mile multi-lane, limited access facility that bypasses historic downtown Helena beginning on Shelby County Road 52 and ending on Valleydale Road in Shelby County, Alabama. According to the FEIS, the proposed bypass is intended to provide access to the "identified growth areas" north of Helena that are currently inaccessible by the existing transportation network. The project is expected to cost \$21.4 million.

The FEIS examines a no-build alternative and four build alternatives within two distinct corridors. A preferred alternative for tying to County Route 52 is identified in the FEIS (Corridor 1: Alt. I-A). The proposed northern bypass will begin as a four-lane divided section at County Road 52 and extend north of the Vulcan quarry site and eventually transition to a five-lane section that will connect to SR 261.

The FEIS indicates that the proposed project alignment impacts 1.72 acres of wetlands, 2,280 linear feet of streams and 2.6 acres within the 100-year floodplains. The alignment will also cross Buck Creek, a water body that is impaired by pathogens from urban runoff and storm sewers. In addition, two impaired segments of the Cahaba River are potentially affected by the study area. The FEIS also indicates that the selection of the proposed alternative will avoid 8 residential and 3 commercial relocations, the Starkey Street community with EJ concerns, 2,305 linear feet of stream loss and 3,083 feet of floodplain encroachment.

Based on our review of the FEIS, ALDOT responded to most of EPA's draft EIS comments. However, some environmental issues still remain and are described as follows:

It is unclear whether ALDOT has accounted for all direct impacts to streams. Section 6.10 (p.54) includes the statement that, "Ephemeral streams (i.e., those flowing only during rainfall events or shortly after) were not included in the assessment." All resources need to be accounted for in order to fully address the impacts of the proposed project, assess avoidance and minimization, and provide compensatory mitigation for the project impacts should the project go forward.

The FEIS indicates compensatory mitigation credits for wetlands and streams will be obtained from an ALDOT bank and a private bank, respectively. Pursuing mitigation banking credits as the first option is in accordance with the hierarchy established in the 2008 Mitigation Rule. ALDOT should obtain the proposed mitigation from a bank in the same watershed as the impacts, as required by the Mitigation Rule. However, EPA notes that no ALDOT bank currently provides compensatory mitigation with a service area appropriate for the Cahaba River watershed. Therefore, compensatory mitigation needs to be coordinated with the Corps, FWS and EPA (Section 8.01).

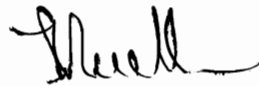
EPA remains concerned about the increased potential encroachment to areas close to the Cahaba River and Buck Creek. The comprehensive future land use plan for Helena indicates that much of the area that will become more accessible to transportation infrastructure with the construction of the Helena Bypass is planned for residential use. This may exacerbate development-related 303(d) impairments for Buck Creek and Cahaba River (pathogens for Buck Creek; nutrients, siltation, pathogens, and habitat alterations for the Cahaba River). Facilitation of development will increase impervious surface coverage and decrease vegetation, altering stormwater and stream flows. Consequently, every effort should be made to partner with State and local government entities to ensure that best management practices associated with water quality are implemented and development-related impacts to sensitive aquatic resources within the avoided and minimized.

EPA appreciates the clarification of the Conservation Overlay District which describes restrictions on development within 150 feet of the banks of Buck Creek and 200 feet of the Cahaba River. However, the map (Figure 6.01-2) appears to indicate that there may be a significant exclusion along the left (southern) bank of the Cahaba River in the central portion depicted. Nevertheless, EPA encourages similar protections or buffers on other streams (such as other direct tributaries of the Cahaba) in an effort to protect the ecological and drinking water integrity of these sensitive aquatic resources. In addition, we commend ALDOT's consideration of design construction practices minimizing hydrologic alteration via increased delivery of storm flows, and encourage approaches such as that described in Section 8.03 for pursuit of open-graded friction courses.

In summary, the direct impacts of the proposed Helena Bypass do not appear to be significant for a project of this size. However, concern remain regarding the potential encroachment to areas in proximity to impaired waterbodies associated with the Cahaba River and Buck Creek, the accounting of direct water resource impacts, and the coordination and process for compensatory mitigation for aquatic resources.

Thank you for the opportunity to comment on this proposed action. If we can be of further assistance, please contact Ms. Ntale Kajumba of the NEPA Program Office at (404) 562-9620 or kajumba.ntale@epa.gov, Ms. Rosemary Hall of the Wetlands Regulatory Section at (404) 562- 9846 or hall.rosemary@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Mueller', with a horizontal line extending to the right.

Heinz Mueller, Chief
NEPA Program Office
Office of Policy and Management

cc: Mr. Mark Bartlett, P.E.